



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
APRIL 18, 2007  
Approved May 16, 2007**

**MEMBERS PRESENT**

John Papacosma, Chairman  
Dorothy Carrier, Vice Chairman  
Joanne Rogers  
Kenneth Cichon  
Robin Brooks

**MEMBERS ABSENT**

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chairman.

Mr. Papacosma, Chair, explained the hearing process and procedures for the Planning Board meeting.

**Minutes of March 21, 2007**

The Planning Board discussed amendments to the March 21, 2007 meeting minutes.

Ms. Rogers moved, seconded by Ms. Carrier to approve the March 21, 2007 Planning Board meeting minutes amended as follows: "Mr. Papacosma moved, seconded by Ms. Rogers that the applicant's proposed reconstruction and reconstruction location meets the requirements of ~~Basic Land Use~~ **Shoreland Zoning** Ordinance § 10.3.2.2 as it is being placed in the most practical area available on that site." Unanimous Approval

**OLD BUSINESS**

**ITEM 1**

**07-01-01** Cundy's Harbor Library, Inc., Site Plan Amendment Review, Commercial Fishing District, Tax Map 64-62, Cundy's Harbor Road, Harpswell.

Mr. Harry Rich presented a brief history of the Cundy's Harbor Library. Mr. Rich described the proposals to add a 16 by 24 foot extension on the east side, provide for handicapped accessibility, and correct the wet basement.

Mr. Papacosma opened the floor to members of the public who wished to comment on this agenda item. None being seen, Mr. Papacosma closed the public portion of the meeting.

The Planning Board discussed the lot dimensions.

Mr. Chace stated that this application would require Planning Board review of § 15 of the Site Plan Ordinance as well as Basic Land Use Ordinance § 13.4.7.

Planning Board's consideration of Site Plan Review Ordinance § 15 approval standards and criteria

**Section 15.1 Dimensional Requirements**

Mr. Papacosma moved, seconded by Ms. Carrier to find that this is a grandfathered use, meets lot coverage, setback, and structural height requirements, and therefore the dimensional requirements are met. Unanimous Approval

## Section 15.2 Utilization of the Site

Mr. Papacosma moved, seconded by Ms. Carrier to find that due to the modest size of the addition, the site characteristics, and that there are no known or identified environmentally sensitive areas on the site the requirements of § 15.2 have been met. Unanimous Approval

The Planning Board discussed review procedure. The Planning Board reviewed the remaining standards of § 15 of the Site Plan Review Ordinance with special attention to §15.10 Erosion Control, § 15.15 Lighting, and §15.21 Technical and Financial Capacity.

Mr. Rich explained that many contractors and suppliers are providing work and materials at no cost.

Ms. Rogers moved, seconded by Ms. Carrier to find that the applicant meets the provisions of § 15 of the Site Plan Review Ordinance with the following conditions: that best management practices be utilized for erosion control during construction, and that the lighting be shielded on the back parking lot and the lighting not be on at night. Unanimous Approval

The Planning Board reviewed the standards of Basic Land Use Ordinance §13.4.7.

Ms. Carrier moved, seconded by Ms. Rogers to find that based on information submitted by the applicant and related materials established as part of the record and on the findings in the Town of Harpswell Planner's memo dated April 10, 2007 that the application of Cundy's Harbor Library will meet the provisions of the Basic Land Use Ordinance. Unanimous Approval

Ms. Carrier moved, seconded by Ms. Rogers to find that except as provided in § 16.4 of the Site Plan Review Ordinance, as may be amended from time to time, the property shown on the plan received by the Town on December 22, 2006, may be developed and used only as depicted on the approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board. Unanimous Approval

Ms. Carrier stated that she believes that the proposal will be of great benefit to the Cundy's Harbor community as well as the greater Harpswell community.

## ITEM 2

**07-02-01** Harpswell Boat Repair Associates, Site Plan Review – Wharf Approval, Commercial Fishing District, Tax Map 11-115, 14 Whidden Road, Harpswell.

Mr. Jim Costello stated that the commercial fishing activity will be limited to one commercial fishing boat, that discussions have been ongoing with regard to contributing to the upkeep of the road, and that a certificate of design has been received from Baker Design Consultants with regard to the pier. Mr. Costello explained that the new pier design did not change the length or width of the dock but simply addressed the structural material and design. Mr. Costello added that the parking has been redesigned in accordance with Maine Department of Transportation standards. Mr. Chace distributed additional documentation including an e-mail from an abutter and the structural review of the pier from Baker Design Consultants. Mr. Papacosma explained that the e-mail expressed concerns with regard to the parking.

The Planning Board discussed number of parking spaces required, parking configuration, limitation for storage of boats, intensity of use, restrictions on size of boats that can be on the dry land, stormwater management, vegetation, incidental boat sales, storage of traps, and access to the site. Ms. Rogers stated that she was concerned about the use of the term "incidental" because of the potential for the meaning to be stretched. Ms. Rogers also pointed out the difficulty of approving a business use operating on a space that was too small to accommodate the business use and having to utilize space that does not belong to the business in order to operate that business.

Mr. Papacosma opened the floor to members of the public who wished to comment.

Mr. Malcom Whidden stated that the property line of the lot does not touch the traveled way. Mr. Whidden explained that the lot runs along the right-of-way that is owned by John and Kim Tanguay. Mr. Whidden pointed out that permission would need to be granted to access the road. Mr. Whidden added that he did not want financial help from the applicants for road maintenance.

Ms. Kim Tanguay, abutter, pointed out the deed showing her husband's ownership of the Whidden Road. Ms. Tanguay explained that people often back up from this site into her driveway. Ms. Tanguay expressed her concern with fitting large cars and pickup trucks into the site as well as safety issues relating to an increase in traffic.

The Planning Board requested a new site plan showing the proposed parking spaces with one curb cut for access and to stake out the parking area for the next site visit. The Planning Board discussed the new wharf design, the definition of "incidental sales" for purposes of clarity, and conditions of approval. Ms. Rogers requested more specificity with regard to the intensity of use.

Ms. Rogers moved, seconded by Mr. Cichon to table the application of Harpswell Boat Repair Associates until such time as a specific site plan with the parking area configured as the Board has indicated and an additional site visit has been conducted. Unanimous Approval

## **NEW BUSINESS**

### **ITEM 1**

**07-04-01** John F. Moore (Kalm Harbour LLC – owner), Subdivision Amendment Review, Interior District, Tax Map 12-188-3, Thompson Road, Harpswell.

Mr. John Moore explained the proposal to amend the configuration of lot 3 of the approved subdivision.

The Planning Board discussed the location of the septic, easements, rights-of-way, and the requirements of the subdivision plan approved June 1, 2004.

Ms. Rogers moved, seconded by Ms. Carrier to find that based on the findings, established as part of the record, in the Town of Harpswell Planner's memo dated April 12, 2007 that the application of John Moore to amend the "Subdivision Plan for Kalm Harbour, LLC" dated June 1, 2004, prepared by Dirigo Land Services, Inc., and recorded at the Cumberland County Registry of Deeds in Plan Book 204 Page 845 & 846 with the "Revision to Lot 3 as shown on Kalm Harbour Subdivision", dated March 9, 2007, prepared by Dirigo Land Services Inc., be approved." Unanimous Approval

**ITEM 2**

**07-04-02** Delmar Properties d.b.a. Great Island Boat Yard; Site Plan Review; Shoreland Business District; Tax Map 48-48, 50, 52; 419 Harpswell Islands Road, Harpswell.

Mr. Papacosma reported that the site visit was attended by all five Planning Board members as well as Town Planner, Jay Chace.

Mr. Stephen Rowe explained the proposal to replace the current fuel system, expansion of the north storage building, development of a mast storage and rigging facility, as well as the various requirements from state and federal agencies that would be met. Mr. Rowe discussed the removal of the overhead electrical lines, replacement of the main shop's façade, buffering, and removal of the current dwelling on lot 50. Mr. Rowe stated that they were only one of twelve marinas in the State of Maine that held the Clean Marina certification and outlined the steps to maintain that designation. Mr. Rowe directed the Board's attention to the erosion control methods that would be used. Mr. Rowe pointed out the stormwater protection plan and Department of Environmental Protection requirements.

Mr. Chace distributed documentation recently received including a letter from Catherine Lynch dated April 11, 2007, an updated Code Enforcement memo regarding height and lot coverage limitations, and updated the Planning Board with regard to the septic system.

The Planning Board reviewed the requirements of § 15 of the Site Plan Review Standards with specific attention to § 15.9 Stormwater Management, § 15.12 Subsurface Waste Disposal, § 15.14 Natural Features and Buffering, § 15.15 Lighting, § 15.16 Water Quality Protection, § 15.18 Solid, Special, and Hazardous Waste Disposal, and § 15.21 Technical and Financial Capacity.

Mr. Chace explained that the subsurface wastewater disposal system that the town has on file for this site is for an 880,000 gallon system, pointed out the State wastewater disposal rules, and discussed the agreement to reduce the State requirements. Mr. Chace described the formula used to determine the proposed usage. Mr. Rowe reported on the results of his research into the current septic system and described the separate holding tank. The Planning Board discussed the size needed for the septic system, the application rate, leaching area footprint, and monitoring. The Planning Board discussed whether or not it was necessary to submit a proposed replacement subsurface wastewater disposal plan. Mr. Rowe pointed out that the system on the site is functioning and that the proposal would reduce the daily usage of that system.

Mr. Papacosma stated that the applicant needed to verify to the satisfaction of the Code Enforcement Office that the subsurface wastewater disposal system is adequate to the uses that it will have to sustain. Ms. Rogers recommended the installation of flow monitors to verify the system's functionality.

Mr. Cichon moved, seconded by Mr. Papacosma that the applicant will install appropriate monitoring and inspection systems to: 1) to insure that the system is operating within its design flow and; 2) that the leaching field is not being overloaded under operating conditions as determined by a Licensed Plumbing Inspector.  
Unanimous Approval

Ms. Carrier stated her concern with a potential system failure and the impact such a failure would cause on the environment. Ms. Carrier recommended an approved plan showing suitable soils and adequate room to site an adequate replacement system. Ms. Carrier added that the applicant would need to provide documentation with regard to financial capacity.

Mr. Cichon moved, seconded by Ms. Rogers that based on the information submitted by the applicant and related materials established as part of the record in the findings in the Town of Harpswell Planner's memo dated April 12, 2007, the application of Delmar Properties LLC doing business as Great Island Boat Yard will meet the provisions of the site plan review ordinance as noted previously. Unanimous Approval

The Planning Board reviewed the standards of § 13.4.7 of the Basic Land Use Ordinance.

Ms. Rogers moved, seconded by Ms. Carrier that the applicant meets the standards of § 13.4.7 of the Basic Land Use Ordinance. Unanimous Approval

Ms. Carrier moved, seconded by Ms. Rogers to find that except as otherwise provided in § 16.4 of the Site Plan Review Ordinance, as may be amended from time to time, the property shown on the plan received by the Town on March 28, 2007, may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board. Unanimous Approval

The Planning Board discussed the phased aspect of the proposal. Mr. Rowe stated that the Code Enforcement Office has said that they have four years in which to complete the project, but that the desire is to complete construction as soon as possible.

Ms. Rogers moved, without second to extend the meeting beyond 9:30 pm.

#### **OTHER BUSINESS**

The Planning Board was polled and decided to place Planning Board elections on the May agenda.

There being no other business before the Planning Board, **MS. CARRIER MOVED, SECONDED BY MS. ROGERS TO ADJOURN.**

Meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant